

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

NEIL LAMB,	§	No. 3:14-cv-1255
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
PORTFOLIO RECOVERY	§	
ASSOCIATES, LLC,	§	
	§	
Defendant.	§	

PLAINTIFF’S COMPLAINT

NEIL LAMB (Plaintiff), through attorneys, KROHN & MOSS, LTD., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC. (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Dallas, Dallas County, Texas.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is an alleged debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company with its main office located in Norfolk, Virginia and it conducts business in Texas.

FACTUAL ALLEGATIONS

10. Over the last four years, Defendant has constantly and continuously placed telephone calls to Plaintiff to collect a debt allegedly owed to Best Buy.
11. Plaintiff's alleged debt arises from transactions for personal, family, and/or household purposes.
12. Defendant places telephone calls to Plaintiff's telephone number 214-850-69XX.
13. Defendant places telephone calls from numbers including, but not limited to, 731-577-4171.
14. Plaintiff settled the debt with Best Buy over five years ago. He received a 1099 from Best Buy for the amount of the debt that was forgiven and he reported that amount on his tax returns.
15. Over a year ago, Plaintiff informed Defendant that he does not owe the alleged debt as he settled it directly with Best Buy.
16. Despite this, Defendant continues to place telephone calls to Plaintiff at 214-850-69XX on a near daily basis.

17. Specifically, Defendant placed collection calls to Plaintiff on November 27, 2013, December 2, 2013, December 18, 2013, December 19, 2013, December 21, 2013, December 23, 2013, December 31, 2013, January 7, 2014, January 8, 2014, January 17, 2014, January 21, 2014, January 22, 2014, and January 25, 2014.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly or continuously with intent to annoy, abuse, or harass Plaintiff;
- c. Defendant violated §1692f of the FDCPA by using unfair or unconscionable means to collect or attempt to collect a debt;
- d. Defendant violated §1692f(1) of the FDCPA by collecting any amount without express authorization contained in the agreement creating the debt or as allowed by law.

WHEREFORE, Plaintiff, NEIL LAMB, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC for the following:

19. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: April 8, 2014

By: /s/ Ryan S. Lee

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, NEIL LAMB, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, NEIL LAMB, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2/7/2014
Date

NEIL LAMB
NEIL LAMB